

**D. INCOME ALLOCATION AND DEEMING**

**Purpose:** This section includes cash assistance, medical assistance, and Basic Food rules and procedures for:

- Allocating the Income of Ineligible or Non-AU Members to an AU;
- Allocating the Income of AU Members to Non-Members; and
- Deeming a sponsor's income to AUs with a sponsored immigrant.

**WAC 388-450-0095 Allocating income--General.**

This section applies to TANF/SFA, RCA, and GA assistance programs.

- (1) Allocation is the process of determining how much of a financially responsible person's income is considered available to meet the needs of legal dependents within or outside of an assistance unit.
- (2) In-bound allocation means income possessed by a financially responsible person outside the assistance unit which is considered available to meet the needs of legal dependents in the assistance unit.
- (3) Out-bound allocation means income possessed by a financially responsible assistance unit member which is set aside to meet the needs of a legal dependent outside the assistance unit.

**CLARIFYING INFORMATION**

1. Unmarried persons are not legally or financially responsible for each other.
2. A stepparent's responsibility for support ceases when death or divorce has terminated the marriage.

**WORKER RESPONSIBILITIES**

1. Determine if there is income possessed by someone outside the assistance unit that must be allocated to meet the needs of the assistance unit.
2. Determine if there is income possessed by someone included in the assistance unit

that must be allocated to meet the needs of someone outside the assistance unit.

3. Refer to the appropriate section listed below for specific allocation rules and worker responsibilities:

WAC 388-450-0105	Allocating the income of a financially responsible person included in the assistance unit.
WAC 388-450-0106	How does the department count my income if someone in my family cannot get assistance because of their alien status?
WAC 388-450-0110	Allocating income of a GA-U client to legal dependents.
WAC 388-450-0115	Allocating the income of a financially responsible person excluded from the assistance unit.
WAC 388-450-0116	How does the department count my income if I cannot get assistance because I am an alien?
WAC 388-450-0120	Allocating the income financially responsible parents to a pregnant or parenting minor.
WAC 388-450-0130	Allocating the income of a nonapplying spouse to a caretaker relative.
WAC 388-450-0135	Allocating income of an ineligible spouse to a GA-U client.
WAC 388-450-0140	Income of ineligible assistance unit members -- Food assistance.
WAC 388-450-0145	Income of a person who is not a member of a food assistance unit.
WAC 388-450-0150	SSI-related medical income allocation.
WAC 388-450-0155	How does being a sponsored immigrant affect my eligibility for cash, medical, and food assistance

programs?

WAC 388-450-0156

When am I exempt from deeming?

WAC 388-450-0160

How does the department decide how much of my sponsor's income to count against my benefits?

### **WAC 388-450-0100 Allocating income--Definitions.**

The following definitions apply to the allocation rules for TANF/SFA, RCA, and GA programs:

- (1) "Dependent" means a person who:
  - (a) Is or could be claimed for federal income tax purposes by the financially responsible person; or
  - (b) The financially responsible person is legally obligated to support.
- (2) "Financially responsible person" means a parent, stepparent, adoptive parent, spouse or caretaker relative.
- (3) A "disqualified assistance unit member" means a person who is:
  - (a) An unmarried pregnant or parenting minor under age eighteen who has not completed a high school education or general education development (GED) certificate and is not participating in those educational activities which would lead to the attainment of a high school diploma or GED;
  - (b) An unmarried pregnant or parenting minor under age eighteen who is not living in a department-approved living situation;
  - (c) The financially responsible person who does not report to the department within five days of the date it becomes reasonably clear that the absence of a child will exceed ninety days;
  - (d) A person who has been convicted in federal or state court of having made a fraudulent statement or representation about their place of residence in order

to receive assistance from two or more states at the same time as defined in WAC 388-446-0010; and

- (e) A person who has been convicted of unlawfully receiving public assistance as defined under WAC 388-446-0005.

(4) "Ineligible assistance unit member" means an individual who is:

- (a) Ineligible for cash assistance due to citizenship/alien status requirement in WAC 388-424 0005;
- (b) Ineligible to receive assistance under WAC 388-442-0010 for having been convicted after August 21, 1996, under federal or state law, of possession, use or distribution of a controlled substance;
- (c) Ineligible to receive assistance under WAC 388-442-0010 for fleeing to avoid prosecution or custody or confinement after conviction for a crime or attempt to commit a crime;
- (d) Ineligible to receive assistance under WAC 388-442-0010 for violating a condition of probation or parole which was imposed under a federal or state law as determined by an administrative body or court of competent jurisdiction;
- (e) The spouse of a woman who receives cash benefits from the GA-S program; or
- (f) The adult parent of a minor parent's child.

Effective September 12, 2002

**WAC 388-450-0105 Allocating the income of a financially responsible person included in the assistance unit.**

This section applies to TANF/SFA, RCA, and RMA. Refer to WAC 388-408-0055 for the rules concerning the treatment of the income of a financially responsible person for medical programs.

The income of a financially responsible person included in the assistance unit is countable to meet the needs of the assistance unit after the income is reduced by the following:

- (1) Any applicable earned income incentive and work expense or deduction for the financially responsible person in the assistance unit, if that person is employed;
- (2) The payment standard amount for the ineligible assistance unit members living in the home; and
- (3) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.

**CLARIFYING INFORMATION**

1. See WAC 388-450-0106 for rules on allocating the income of a financially responsible person included in the assistance unit to household members **excluded because of their alien status**.
2. For the definition of a financially responsible person for medical assistance programs, see WAC 388-408-0055.
3. Do not allow a payment standard deduction for disqualified assistance unit members.

**WORKER RESPONSIBILITIES**

1. To determine an assistance unit's eligibility and benefit amount, allocate the income of a financially responsible person included in the assistance unit to meet the needs of legal dependents living in the home and outside the home.

2. Determine the countable earned income by deducting the applicable work incentive or work expense and any applicable dependent care deduction for employment related child care expenses, as specified in WAC 388-450-0170 from the financially responsible person's gross earned income.
3. Combine the financially responsible person's countable earned income and countable unearned income.
4. Subtract the appropriate payment standard for an assistance unit based on the number of ineligible assistance unit members. Do not include persons excluded from the assistance unit due to disqualification.
5. To meet the needs of each legal dependent not living in the home, deduct the lesser of the department's one-person need standard or the actual amount paid for court or administratively ordered support.
6. Subtract the remaining income from the assistance unit's applicable payment standard.

**EXAMPLE 1**

A mother and one of her children receive TANF cash benefits. The mother is employed and pays \$275 court-ordered support for a child not living in her home. The mother has two other children who are not included in the assistance unit as they are probation violators. The mother receives \$1,500 gross income each month from her employment.

\$1,500	Gross earned income
<u>÷ 2</u>	Work incentive
\$ 750	Countable earned income
<u>- 440</u>	Two-person pmt std (2 ineligible children)
\$ 310	
<u>- 275</u>	Paid support for child living outside the home
\$ 35	Countable income
<hr/>	
\$ 440	Two-person pmt std
<u>- 35</u>	Countable income
\$ 405	Grant amount

In this example, the mother's countable earned and unearned income exceeds the payment standard for herself and her eligible child and would render the assistance unit ineligible for cash benefits. However, as the mother has three dependent children she is financially responsible for, her income is reduced to allocate for their needs, allowing her and her child to be eligible for benefits.

## EXAMPLE 2

A husband and wife apply for TANF for themselves and their two children. The husband receives unemployment compensation (UC) of \$800 each month of which DCS garnishes \$275 for a child living outside the assistance unit.

\$800	Gross UC	\$642	Four-person pmt std
- 275	DCS garnishment	- 525	Countable UC
<u>\$525</u>	Countable UC	<u>\$117</u>	Grant amount

In this example, the husband's gross UC exceeds the payment standard. However, the husband has one dependent he is financially responsible for which allows the assistance unit to be eligible for TANF.

## EXAMPLE 3

An employed woman and her two children receive TANF cash benefits. She pays \$200 support each month for a child living outside the home. Her husband is excluded from the assistance unit as he is a drug-related felon. He is also employed. One of their children is also excluded from the grant because she is a probation violator.

Determine the unmet need of the husband and ineligible child by comparing his countable earned and unearned income to the two-person payment standard. As the husband's income is under the two-person payment standard, the wife's income is allocated to meet the needs of the ineligible husband and child. If his countable earned and unearned income exceeded the two-person payment standard, the excess would be added to the wife's countable income.

**ELIGIBILITY A-Z****Income**

<b>Ineligible Husband</b>		<b>Wife</b>	
\$150	Gross earned income	\$1,300	Gross earned income
- 90	Work expense	<u>÷ 2</u>	Work incentive
\$ 60	Countable earned income	\$ 650	Countable earned income
		- 380	Amount allocated to her husband and child
\$440	Two-person payment standard	\$ 270	
- 60	Countable earned income	- 200	Paid support for child living outside the home
\$380	Amount to be allocated from wife's income	<b>\$ 70</b>	<b>Countable income</b>
<hr/>			
\$546	Three-person payment standard		
- 70	Countable income		
\$476	Grant amount		

In this example, the wife's countable earned and unearned income exceeds the payment standard test, but the allocation rules allow the assistance unit to maintain eligibility by reducing the countable earned and unearned income as she is financially responsible for her husband and ineligible child and for the child living outside the home.

**EXAMPLE 4**

Following Example 3 above; except the wife's gross earned income is \$800 per month and the ineligible husband earns \$600 gross income per month.

<b>Ineligible Husband</b>		<b>Wife</b>	
\$600	Gross earned income	\$800	Gross earned income
- 90	Work expense	<u>÷ 2</u>	Work incentive
\$510	Countable earned income	\$ 400	Countable earned income
		+70	Available from husband's income
\$440	Two-person pmt std	\$470	
- 60	Countable earned income	\$ - 200	Paid support for child living outside the home
\$70	Available to assistance unit	<b>\$ 270</b>	<b>Countable income</b>
<hr/>			
\$546	Three-person pmt std		
- 270	Countable income		
\$276	Grant amount		

In this example, the ineligible husband's countable earned and unearned income exceeds the payment standard for himself and child. As such, the difference is available to the



assistance unit and added to the assistance unit's countable earned and unearned income.

### EXAMPLE 5

Following Example 4 except the parents are not married.

An employed mother and two children are receiving TANF cash benefits. She pays \$200 child support each month for a child living outside the home. The father of the two TANF children resides in the home also. He is employed and not included in the assistance unit because he is a drug related felon. The father also has his child residing in the home and she is a probation violator.

Ineligible Father		Mother	
\$600	Gross earned income	\$800	Gross earned income
- 90	Work expense	$\div 2$	Work incentive
\$510	Countable earned income	\$400	Countable earned income
- 440	Two-person pmt std	+ 70	Available from the TANF children's
\$ 70	Available for TANF children's needs	\$470	father for their needs
		- 200	Paid support for child living outside the home
		<b>\$270</b>	<b>Countable income</b>
\$546 Three-person pmt std			
- 270 Countable income			
\$276 Grant amount			

In this example, the ineligible father's countable earned and unearned income exceeds the payment standard for himself and his ineligible child. As such, the difference is available to meet the needs of his eligible TANF children and added to the assistance unit's net income.

Effective July 1, 2002

**WAC 388-450-0106 Allocating the income of a financially responsible person included in the assistance unit to household members excluded because of their alien status.**

This section applies to TANF/SFA, RCA, and RMA. We count your income differently if you are applying for medical assistance only. See [WAC 388-408-0055](#).

If you are included in the assistance unit and you are financially responsible for someone, as defined in [WAC 388-450-0100](#) who does not meet the alien requirements described in [WAC 388-424-0005](#), we do not count all of your income. We subtract some of it so that you can use that part to help support the people who cannot get assistance. To figure out how much we count, we take the following seven steps:

- (1) We start by only counting fifty percent of your earned income, as defined in [WAC 388-450-0030](#);
- (2) We add all of your unearned income, as defined in [WAC 388-450-0025](#).
- (3) We subtract the difference between the following payment standards (payment standards can be found in [WAC 388-478-0020](#)):
  - (a) One that includes both eligible assistance unit members and those who cannot get assistance because of their alien status; and
  - (b) One that includes only the eligible assistance unit members.
- (4) We subtract the payment standard for the number of people who are ineligible for reasons other than alien status, as defined in [WAC 388-450-0100](#) (4)(b) through (f).
- (5) We subtract any court or administratively ordered child support you pay for legal dependents. This includes both current and back support. The amount cannot be more than the need standard in [WAC 388-478-0015](#) for the number of dependents.
- (6) We subtract any employment-related child care expenses you have.
- (7) Then, we count whatever is left as unearned income.

**CLARIFYING INFORMATION**

1. If an immigrant was sponsored into the United States, use WACs 388-450-0155,

388-450-0156, and 388-450-0160 to see how much of the sponsor's income we count.

2. In each of the following examples, when determining eligibility for a medical program for the excluded family members, follow the financial responsibility rules for medical assistance units in WAC 388-408-0055 in the **Assistance Units** category. Do not count the cash grant income of other family members when determining medical program eligibility for excluded family members.

### EXAMPLE 1

A legal alien mother and one U.S. citizen child receive TANF cash benefits. The mother is employed and pays \$200 court-ordered support for a child not living in the home. The mother has two other children who are excluded from the assistance unit because of their alien status. The mother receives \$1,000 gross earned income each month from her employment.

\$1,000	Gross earned income	\$642	Four-person pmt std
<u>÷ 2</u>	Work incentive	<u>- 440</u>	Two-person pmt std
\$ 500	Countable earned income	\$202	Diff. between 2 / 4 person pmt std
<u>- 202</u>	Diff. between 2 / 4 person pmt std		
\$ 298			
<u>- 200</u>	Paid support for child living outside the home		
<b>\$ 98</b>	<b>Countable income</b>		
<hr/>			
\$ 440	Two-person pmt std		
<u>- 98</u>	Countable income		
\$ 342	Grant amount		

The family has also applied for medical assistance for the two excluded undocumented alien children with an emergent medical condition.

\$1,000	Gross earned income
<u>90</u>	Work expense deduction
\$ 910	
<u>200</u>	Paid support for child living outside the home
\$ 710	Net income - compare to 200% FPL for family of 4.

Certify both children for FO9 medical.

**EXAMPLE 2**

An employed mother and her two children receive TANF cash benefits. The mother pays \$200 support each month for a child living outside the home. Her husband is excluded from the AU because of his alien status. One of their children is also excluded from the AU because of her alien status.

\$1,100	Wife's gross earned income	\$740	Five-person pmt std
<u>÷ 2</u>	Work incentive	<u>- 546</u>	Three-person pmt std
\$ 550	Wife's countable earned income	\$194	Diff. between 3 / 5 person
<u>- 194</u>	Diff. between 3 / 5 person pmt std	pmt std	
\$ 356			
<u>- 200</u>	Paid support for child living outside the home		
<b>\$ 156</b>	<b>Countable income</b>		
<hr/>			
\$ 546	Three-person pmt std		
<u>- 156</u>	Countable income		
\$ 390	Grant amount		

The family has also applied for medical assistance for the alien father and child excluded because of alien status. The child is pregnant.

\$1,100	Wife's gross earned income
<u>- 90</u>	Work expense deduction
\$1,010	
<u>- 200</u>	Paid support for child living outside the home
\$ 810	Net income - compare to 185% FPL for family of 5.

Certify the child for P04 medical. The father is ineligible for a medical program.

The father reapplies the following month after receiving injuries in an automobile accident. The father remains TANF-related.

\$1,100	Wife's gross earned income
<u>÷ 2</u>	Work incentive
\$ 500	
<u>- 200</u>	Paid support for child living outside the home
\$ 350	Net income - compare to 5-person CNIL standard.

Certify the father for the alien emergency medical program FO9.

**EXAMPLE 3**

An employed mother and her two children are receiving TANF cash benefits. The father of the two TANF children also resides in the home. He is not included in the AU because of his alien status. The mother also has a 17-year old son who lives in the home but is not included in the AU because he is a probation violator. The mother receives \$1,400 gross earned income each month.

\$1,400	Wife's gross earned income	\$642	Four-person pmt std
<u>÷ 2</u>	Work incentive	<u>- 546</u>	Three-person pmt std
\$ 700	Wife's countable earned income	\$ 96	Diff. between 3 & 4 person pmt std.
- 96	Diff. between 3 & 4 person pmt std		
\$ 604			
- 349	One-person pmt std (for son's needs who is a fleeing felon)		
<b>\$ 255</b>	<b>Countable income</b>		
<hr/>			
\$ 546	Three-person payment standard		
- 255	Countable income		
\$ 291	Grant amount		

The family also wants medical for the undocumented father and the 17-year old son. The son is not an excluded person for TANF-related medical. The father does not have an emergency medical condition.

\$1,400	Wife's gross income
<u>÷ 2</u>	Work incentive
\$ 700	Net income - compare to the 5-person grant standard.

Certify the 17-year old son for FO4 medical.

A few months later, the mother's income increases to \$1,600 per month. With a net family income of \$800, the child is income ineligible for FO4 medical. Review for FO6 medical. \$1,600 - \$90 = \$1,510 which is under the 200% FPL for a family of 5.

**WAC 388-450-0110 Allocating the income of a GA-U client to legal dependents.**

This section applies to the GA-U program.

- (1) The income of a GA-U client is reduced by the following:
  - (a) The GA-U earned income disregard and work expense disregard, as specified in WAC 388-450-0175; and
  - (b) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.
- (2) When a GA-U client in a medical institution, alcohol or drug treatment center, congregate care facility or adult family home has income, the income is countable to meet the client's needs after the income is reduced by the following:
  - (a) The payment standard amount for the nonapplying spouse and legal dependents living in the home; and
  - (b) The standard of assistance the client is eligible for while in an alternative care facility.

**CLARIFYING INFORMATION**

For treatment of income of a nonapplying spouse, see WAC 388-450-0135.

**WORKER RESPONSIBILITIES****GA-U Client Living at Home**

1. To determine a GA-U client's countable earned income, apply rules in WAC 388-450-0175, GA-U earned income incentive and deduction.
2. Combine the countable earned income with the countable unearned income.
3. Deduct the payment standard applicable for the nonapplying spouse and legal dependents living in the home.

4. Deduct the lesser of the department's one-person need standard or the actual amount paid for court or administratively ordered support, to meet the needs of each legal dependent not living in the home.
5. Subtract the remaining income from the GA-U client's applicable payment standard.

**GA-U Client in Alternate Living Situation**

1. Deduct from the income of a GA-U client in a medical institution, alcohol or drug treatment center, congregate care facility, or family home, the appropriate payment standard for the nonapplying spouse and legal dependents living in the home.
2. Deduct from the remaining income of 1. above, the amount that meets the needs of the GA-U client living in the alternate living situation.
3. The remainder is applied to the client's participation toward cost of care.

**WAC 388-450-0115 Allocating the income of a financially responsible person excluded from the assistance unit.**

This section applies to TANF/SFA, RCA and GA-S programs.

The income of a financially responsible person excluded from the assistance unit is available to meet the needs of the assistance unit after the income is reduced by the following:

1. A ninety dollar work expense deduction from the financially responsible person(s) excluded from the assistance unit who is employed;
2. The payment standard amount for the ineligible assistance unit members living in the home; and
3. An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.

**CLARIFYING INFORMATION**

1. See WAC 388-450-0116 for policies on allocating the income of a financially responsible person excluded from the assistance unit **because of their alien status**.
2. Do not allow the 50% work incentive for a financially responsible person excluded from the assistance unit.
3. This rule also applies to TANF/SFA-related medical programs, as specified in WAC 388-503-0510(2). The rules of this section also apply to the RMA program.
4. For the definition of a financially responsible person for medical assistance programs, see WAC 388-408-0055.
5. Do not allow a payment standard deduction for disqualified assistance unit members.



**WORKER RESPONSIBILITIES**

1. To determine an assistance unit's eligibility and benefit amount, allocate the income of a financially responsible person who is excluded from the assistance unit to meet the needs of legal dependents living in the home and outside the home.
2. Determine the countable earned income by deducting the \$90 work expense and any applicable dependent care deduction for employment related child care expenses, as specified in WAC 388-450-0170 from the gross earned income of the employed financially responsible person who is excluded from the assistance unit.
3. Combine the countable earned income and countable unearned income of the excluded financially responsible person.
4. Subtract the appropriate payment standard for an assistance unit based on the number of ineligible assistance unit members. Do not include persons excluded from the assistance unit due to disqualification.
5. To meet the needs of each legal dependent not living in the home, deduct the lesser of the department's one-person need standard or the actual amount paid for court or administratively ordered support.
6. Consider the remaining income as available to meet the needs of the assistance unit members.

**EXAMPLE 1**

The mother receives TANF cash benefits for two of her children. The mother is employed and is not receiving TANF because she is a drug-related felon. Another child also lives in the home and is probation violator. The mother pays court ordered support of \$900 for two children not living in the home.

\$1,850	Gross earned income
- 90	Work expense
<u>\$1,760</u>	Countable earned income
- 440	Two-person pmt std (ineligible mother and child)
<u>\$1,320</u>	
- 900	Paid support for children living outside the home
<b>\$ 420</b>	<b>Countable income</b>
<hr/>	
\$ 440	Two-person pmt std (2 eligible children)
- 420	Countable income
<u>\$ 20</u>	Grant amount

In this example gross income rules allow the mother's income to be reduced to meet the needs of legal dependents as part of the process of determining eligibility and payment.

**EXAMPLE 2**

A mother and one child receive TANF cash benefits. The mother pays a court ordered support payment of \$160 each month for a child living outside the home. The mother's husband, and father of the TANF child, resides in the home with his 19-year old child, for whom he is financially responsible. The husband is excluded from the assistance unit as he is a fleeing felon. He also pays \$100 per month support for a dependent child living outside the home.

**ELIGIBILITY A-Z****Income**

<b>Ineligible Husband</b>		<b>Eligible Wife</b>	
\$890	Gross earned income	\$260	Available income from husband
- 90	Work expense	- 160	Paid support for her child living outside the home
\$800	Countable earned income		
- 440	Two-person pmt std (Ineligible husband & his ineligible child)	<b>\$100</b>	<b>Countable income</b>
\$360			
- 100	Paid support for his child living outside the home		
\$260	Amount to be allocated to the assistance unit		
<hr/>		<hr/>	
\$440	Two-person pmt std		
- 100	Countable income		
\$340	Grant Amount		

÷

**EXAMPLE 3**

An employed mother is disqualified from the assistance unit as she has been convicted of an unlawful practice. Her two children are receiving TANF cash benefits.

\$500	Mother's gross earned income
- 90	Work expense
<b>\$410</b>	<b>Countable income</b>
<hr/>	
\$440	Two person pmt std
- 410	Countable income
\$ 30	Grant amount

In this example, as the mother is disqualified from the assistance unit, do not reduce her countable income by subtracting the payment standard for her needs.

**EXAMPLE 4**

Employed client in third trimester applies for TANF. It has been medically verified the client is in the third trimester and will deliver one child. Client is married to the employed father of the unborn who resides in the home. Determine eligibility as follows:

Determine if the husband has an unmet need or if his income is available to meet his expectant wife's needs. If his net income is less than a one-person payment standard the difference is allocated to meet his needs by subtracting from her net income. If his net income exceeds a one-person payment standard the difference is income available to meet the needs of his expectant wife and added to her net income

**When husband has an unmet need (if husband's gross earned income is \$400).**

\$400	Husband's gross earned income
- 90	Work expense
\$310	Husband's countable earned income
\$349	One-person payment standard
- 310	Husband's countable earned income
\$ 39	Husband's unmet need
\$300	Wife's gross earned income
÷ 2	Work incentive
\$150	Wife's countable earned income
- 39	Allocate for husband's unmet needs
<b>\$ 111</b>	<b>Countable income</b>

**When husband's income is available to meet his wife's needs (if husband's gross earned income is \$600).**

\$600	Husband's gross earned income
- 90	Work expense
\$510	Husband's countable earned income
\$510	Husband's countable earned income
- 349	One-person payment standard
\$161	Countable income
\$300	Wife's gross earned income
÷ 2	Work incentive
\$150	Wife's countable earned income
+161	Husband's countable income
<b>\$311</b>	<b>Countable income</b>

\$349	One-person payment standard
- 111	Countable income
\$238	Grant amount

\$349	One-person payment standard
- 311	Countable income
\$ 38	Grant amount

**WAC 388-450-0116 How does the department count my income if I cannot get assistance because I am an alien?**

This section applies to TANF / SFA, RCA, and RMA programs. We count your income differently if you are applying for medical assistance only. See [WAC 388-408-0055](#).

Some people cannot get assistance because they do not meet the alien requirements described in [WAC 388-424-0005](#). If you do not meet those requirements but you are financially responsible for someone in the assistance unit, as defined in [WAC 388-450-0100](#), we count some of your income as part of the assistance unit's income. To figure out how much we count, we take the following seven steps:

- (1) We start by only counting fifty percent of your earned income, as described in [WAC 388-450-0030](#).
- (2) We add all of your unearned income, as described in [WAC 388-450-0025](#).
- (3) We subtract the difference between the following payment standards:
  - (a) One that includes both eligible assistance unit members and those who cannot get assistance because of their alien status; and
  - (b) One that includes only the eligible assistance unit members.
- (4) We subtract the payment standard for the number of people who are ineligible for reasons other than alien status, as defined in [WAC 388-450-0100](#) (4)(b) through (f) .
- (5) We subtract any court or administratively ordered child support you pay for legal dependents. This includes both current and back support. The amount cannot be more than the need standard in [WAC 388-478-0005](#) for the number of dependents.
- (6) We subtract any employment-related childcare expenses you have.
- (7) Then, we count whatever is left as unearned income.

**CLARIFYING INFORMATION**

1. If an immigrant was sponsored into the United States, use WACs 388-450-0155, 388-450-0156, and 388-450-0160 to see how much of the sponsor's income we count.
2. In each of the following examples, when determining eligibility for a medical program for the excluded family members, follow the financial responsibility rules for medical assistance units in WAC 388-408-0055 in the Assistance Units chapter. Do not count the cash grant income of other family members when determining medical program eligibility for excluded family members.

**EXAMPLE 1**

A TANF AU consists of a citizen mother and two children. Also in the household is the undocumented father. He is employed and receives \$700 earnings.

\$700	Father's gross earned income	\$642	Four-person pmt std
<u>÷ 2</u>	Work incentive	<u>- 546</u>	Three-person pmt std
\$350	Father's countable earned income	\$ 96	Diff. between 3 / 4 person pmt std
<u>- 96</u>	Diff. between 3 / 4 person pmt std		
<b>\$ 254</b>	<b>Countable income</b>		
<hr/>			
\$546	Three-person pmt std		
<u>- 254</u>	Countable income		
\$292	Grant amount		

While the undocumented father remains TANF-related, he does not have an emergency medical condition. He is not eligible for a medical program.

**EXAMPLE 2**

A TANF AU consists of a mother and father who were legally admitted under IRCA and their citizen child. Also residing in the home is their undocumented child. The father is employed and receives \$700.

\$700	Father's gross earned income	\$642	Four-person pmt std
<u>÷ 2</u>	Work incentive	<u>- 546</u>	Three-person pmt std
\$350	Father's countable earned income	\$ 96	Diff. between 3 / 4 person pmt std
<u>- 96</u>	Diff. between 3 / 4 person pmt std		
<b>\$254</b>	<b>Countable income</b>		
<hr/>			
\$546	Three-person pmt std		
<u>- 254</u>	Countable income		
\$292	Grant amount		

**EXAMPLE 3**

A TANF AU consists of a mother who was legally admitted under IRCA and her citizen child. The child's father was legally admitted under IRCA and employed receiving \$700 earnings. He is also a fleeing felon. The couple's undocumented child also resides in the home. This child is pregnant.

\$700	Father's gross earned income	\$546	Three-person pmt std
- 90	Work expense	- 440	Two-person pmt std
\$610	Father's countable earned income	\$106	Diff. between 2 / 3 person pmt std
- 106	Diff. between 2 / 3 person pmt std		
\$504			
- 349	Father's needs		
<b>\$155</b>	<b>Countable income</b>		
<hr/>			
\$440	Two-person pmt std		
- 155	Countable income		
\$285	Grant amount		

In this situation, the father is allowed a one-person payment standard for his needs because he is a legal alien. The couple's undocumented child is allowed only the difference between the payment standard that would include the child if she were a citizen and the payment standard for eligible citizen assistance unit members.

Determine the medical program eligibility for the family members excluded from the cash grant. For the purposes of medical eligibility, the father is not an excluded family member.

\$700	Father's gross earned income
<u>÷ 2</u>	Work incentive
\$350	Net income - compare to the 4 person CNIL standard.

Certify the father for FO4 medical. Certify the child for P04 medical.

**EXAMPLE 4**

A household consists of a needy mother and father who were legally admitted under IRCA, their undocumented minor child and her U.S. citizen child. The undocumented minor child is employed and receives \$700 earned income. This minor parent was recently hospitalized for an emergent condition.



**ELIGIBILITY A-Z****Income**

If the minor parent is the primary caretaker of her child, the minor parent would receive a grant for her child after allocating her income:

\$700	Minor parent's gross earned income	\$440	Two-person payment standard
<u>÷ 2</u>	Work incentive	<u>- 349</u>	One-person payment standard
\$350	Minor parent's countable earned inc.	\$ 91	Diff. between 1 / 2 person payment standards
<u>- 91</u>	Diff. between 1 / 2 person pay. Stand		
<b>\$259</b>	<b>Countable income</b>		
<hr/>			
\$349	One-person payment standard		
<u>- 259</u>	Countable income		
\$ 90	Grant amount		

In this situation, the parents of the minor parent are not eligible for cash assistance as they do not have an eligible child in the home and would not be eligible for a TANF-related medical program.

If, however, major mom was determined to be the primary caretaker relative of her grandchild, major mom and the grandchild would be eligible for TANF.

\$700	Minor parent's gross earned income	\$546	Two-person pmt std
<u>÷ 2</u>	Work incentive	<u>- 440</u>	One-person pmt std
\$350	Minor parent's countable earned inc.	\$106	Diff. between 2 / 3 person pmt std
<u>- 106</u>	Diff. between 2 / 3-person pmt std		
<b>\$244</b>	<b>Countable income</b>		
<hr/>			
\$440	Two-person pmt std		
<u>- 244</u>	Countable income		
\$ 196	Grant amount		

Determine eligibility for the alien emergency medical program for the undocumented minor mother.

Under the financial responsibility rules, the minor mother and her child are considered as a medical assistance unit.

\$700 Minor parent's gross earned income  
÷ 2 Work incentive  
 \$350 Net income - compare to the 2-person CNIL.

Certify the minor mother for FO9 medical.

**EXAMPLE 5**

A TANF AU consists of a legal alien mother and citizen child. The household also contains the citizen child's undocumented father (the child's parents are not married) and the mother's undocumented child. The citizen child's father is employed and receives \$1,000 in earnings.

\$1,000	Father's gross earned income	\$546	Two-person pmt std
<u>÷ 2</u>	Work incentive	<u>- 440</u>	One-person pmt std
\$500	Father's countable earned inc.	\$	Diff. between 2 & 3-person pmt
<u>- 106</u>	Diff. between 2 & 3-person pmt std	\$106	std
<b>\$394</b>	<b>Countable income</b>		
<hr/>			
\$440	Two-person pmt std		
<u>- 394</u>	Countable income		
\$ 46	Grant amount		

As the citizen child's father is not financially responsible for the undocumented child's needs, none of his income is allocated to meet her needs. The undocumented child is not included when determining the difference between the payment standards as her mother did not earn the income.

For the purposes of determining the medical program eligibility of the excluded family members, three separate medical assistance units are established:

- The unmarried mother and her separate undocumented child;
- The citizen child in common of unmarried parents; and
- The undocumented father.

**MAU 1** This MAU has no income. Certify the child for FO8 medical. The mother is receiving TANF and FO1 medical.

**MAU 2** This child is receiving TANF and FO1 medical.

**MAU 3** The father remains TANF-related and has an emergent medical condition. His income is \$1,000 and income over the 1-person FPL is allocated to the child in MAU 2. This allocation is solely for the purpose of determining medical program eligibility and does not effect the computation of cash grant benefit amounts. The father's income for the alien emergency medical

program is the 1-person FPL compared to the CNIL. The father is income ineligible for the alien emergency medical program. Review for the MI program.

**WAC 388-450-0120 Allocating the income of financially responsible parents to a pregnant or parenting minor.**

This section applies to TANF/SFA, RCA and GA-S programs.

The income of nonapplying financially responsible parent(s) of a pregnant or parenting minor is countable to meet the needs of the minor and the child(ren) after the income is reduced by the following:

- (1) A ninety dollar work expense from the financially responsible parent's gross income from employment;
- (2) An amount not to exceed the department's standard of need for:
  - (a) The financially responsible parent and dependent living in the home who are not applying for or receiving cash benefits and not a disqualified individual; and
  - (b) Court or administratively ordered current or back support for legal dependents.
- (3) Spousal maintenance payments made to meet the needs of individuals not living in the home.

**CLARIFYING INFORMATION**

For situations involving a pregnant minor or minor parent living with his or her parent, the mandatory assistance unit requirement is not affected by marriage, military service or court-ordered emancipation of the pregnant minor or minor parent, see WAC 388-408-0015, Mandatory TANF and SFA assistance unit members.

**WORKER RESPONSIBILITIES**

1. Deduct a \$90 work expense from each parent or stepparent's gross earned income.
2. Combine the net countable earned income for each parent with the parent and stepparent's gross countable unearned income.

3. Deduct the appropriate need standard for an assistance unit which contains the nonapplying parent and stepparent and any other individuals who:
  - a. Are living in the home who is not excluded from the assistance unit due to disqualification; and
  - b. Are legal dependents of the nonapplying parent or stepparent.
4. Deduct the lesser of the department's one-person need standard or the actual amount paid for court or administratively ordered support, to meet the need of each legal dependent not living in the home.
5. Deduct spousal maintenance payments made to meet the needs of individuals not living in the home.
6. The remaining income is available to meet the needs of the pregnant or parenting minor and children of the parenting minor.
7. Subtract the remaining income from the pregnant or parenting minor's appropriate payment standard.

**EXAMPLE**

A household consists of an unmarried parenting minor, her child, the minor's mother, father, and the minor's sister. The unmarried parenting minor is requesting assistance for herself and her child. The minor's father is employed full-time. His gross income is \$1,520. Her mother is also employed and receives \$850 each month. The family has no other income.

The minor's father pays \$500 a month court-ordered support for the support of a daughter not living in the home. Her mother also pays \$300 a month for the support of a 14-year-old son living with his uncle. The minor is responsible for paying rent each month.

**ELIGIBILITY A-Z****Income**

\$2,370	Parent's monthly gross income (\$1,520 + \$850)
<u>-180</u>	\$90 work expense (for each employed parent)
\$2,190	Parent's net income
+500	Three-person need standard (mother, father, minor's sister)
\$1,244	Father's court ordered support
<u>+300</u>	Mother's court ordered support
\$2,044	Total of need standard and outside support
\$2,190	Parent's net income
<u>- 2,044</u>	Minus need standard and outside support
<b>\$ 146</b>	<b>Available income to minor and child</b>

---

\$ 440	Two person grant standard (minor and child)
<u>-146</u>	Minus available income to minor and child
\$ 294	Minor's two person grant amount

**WAC 388-450-0130 Allocating the income of a nonapplying spouse to a caretaker relative.**

This section applies to TANF/SFA and RCA programs.

- (1) The community income of the nonapplying spouse and applying spouse is combined. See WAC 388-450-0005 to determine what income is available as community income.
- (2) Subtract a one person payment standard as specified in WAC 388-478-0020.
- (3) The remainder is allocated to the caretaker relative.

**WORKER RESPONSIBILITIES**

1. When residing together, allocate the income of a nonapplying spouse to meet the needs of the applying spouse who requests inclusion in the assistance unit as a needy caretaker relative of specified degree (e.g., a grandparent applying with a grandchild or an aunt applying with a niece/nephew).
2. Determine the community income of both caretaker relatives, as specified in WAC 388-450-0005.
3. Subtract a one-person payment standard from the couple's community income.
4. Subtract the remaining income from the assistance unit's applicable payment standard to determine the grant amount.

**NOTE:** If the allocated income of the nonapplying spouse decreases the payment standard to less than the payment standard without the needy relative, advise the needy relative of the option to receive cash benefits for the eligible child(ren) only.

**EXAMPLE**

Aunt applies for assistance for her nephew and herself as a needy caretaker relative of specified degree. The aunt's husband also resides in the home. Their income consists of his retirement pension of \$600 per month. Determine eligibility as follows:

\$600 Total community income  
- 349 One-person payment standard  
**\$251 Countable income**

\$440 Two-person payment standard  
- 251 Countable Income  
\$189 Grant amount

In this situation, it would be to the household's advantage to deny assistance to the needy caretaker relative, as the child alone would be eligible for a grant amount of \$349.



**WAC 388-450-0135 Allocating income of an ineligible spouse to a GA-U client.**

- (1) This section applies to the GA-U program.
- (2) When a GA-U client is married and lives with the nonapplying spouse, the following income is available to the client:
  - (a) The remainder of the client's wages, retirement benefits or separate property after reducing the income by:
    - (i) The GA-U work incentive and work expense deduction, as specified in WAC 388-450-0175; and
    - (ii) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.
  - (b) The remainder of the nonapplying spouse's wages, retirement benefits and separate property after reducing the income by:
    - (i) The GA-U work expense deduction;
    - (ii) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents; and
    - (iii) The payment standard amount as specified under WAC 388-478-0030 which includes ineligible assistance unit members.
  - (c) One-half of all other community income, as provided in WAC 388-450-0005.

**CLARIFYING INFORMATION**

1. A nonapplying spouse does not receive the work incentive.
2. Allow the payment standard for the needs of the nonapplying spouse from the client's income.



Effective December 1, 2001

**WAC 388-450-0140 How does the income of an ineligible assistance unit member affect my eligibility and benefits for food assistance?**

The department decides who must be in your Assistance Unit (AU) under WAC 388-408-0035. If someone who is in your AU is an ineligible AU member, we decide how this affects your AU's eligibility and benefits as follows:

- (1) We do not count the ineligible member to determine your AU size for the gross monthly income limit, net monthly income limit, or maximum allotment under WAC 388-478-0060.
- (2) If the AU member is ineligible because they are disqualified for an intentional program violation (IPV), they failed to meet work requirements under chapter 388-444 WAC, or they are ineligible felons under WAC 388-442-0010:
  - (a) We count all of the ineligible member's gross income as a part of your AU's income; and
  - (b) We count all of the ineligible member's allowable expenses as part of your AU's expenses.
- (3) If the AU member is ineligible because they are an ineligible ABAWD under WAC 388-444-0030, ineligible due to their alien status, they failed to sign the application to state their citizenship or alien status, or they refuse to get or provide us a Social Security number:
  - (a) We prorate the income of the ineligible person among all the AU members by excluding the ineligible member's share and counting the remainder as income to the eligible members;
  - (b) We allow the twenty percent earned income disregard to the ineligible member's earned income we count to the eligible members; and
  - (c) We divide the portion of the AU's allowable expenses evenly among all members of the AU when the ineligible members have income.

## CLARIFYING INFORMATION

## 1. How to count an ineligible AU member's income and resources:

a. Count all the income and resources for ineligible members disqualified for:	<ul style="list-style-type: none"> <li>i. An Intentional Program Violation (IPV);</li> <li>ii. Failing to comply with a work program under chapter 388-444 WAC;</li> <li>iii. Fleeing a felony charge or conviction;</li> <li>iv. Violating a condition of probation or parole;</li> <li>v. Being convicted of a drug-related felony.</li> </ul>
b. Count <b>a prorated share</b> of the income and <b>all</b> of the resources for AU members who are ineligible because they:	<ul style="list-style-type: none"> <li>i. Are ineligible ABAWDS under WAC 388-444-0030;</li> <li>ii. Are undocumented aliens;</li> <li>iii. Are aliens who were determined ineligible under welfare reform;</li> <li>iv. Failed to declare their citizenship or alien status on the application</li> <li>v. Failed to sign the application; or</li> <li>vi. Refused to get or provide a Social Security number.</li> </ul>
c. Disregard the ineligible member's income if their student status is the only reason they are ineligible.	

**NOTE:** If a client is ineligible under conditions in both a. and b., count their Income and / or resources at the full amount (a.), not the prorated amount (b.).

**2. How an ineligible member affects the SUA:**

If an ineligible client is a member of an AU that qualifies for a SUA under WAC 388-450-0195, we count the ineligible member as an AU member under 388-450-0195 to determine the size of the AU and the appropriate SUA amount.

**WAC 388-450-0145 Income of a person who is not a member of a food assistance unit.**

- (1) A cash payment made to a food assistance unit from a person who is not a member of the assistance unit is counted as unearned income.
- (2) The following types of income are not available to the assistance unit:
  - (a) The nonmember's income; and
  - (b) Payments made by a nonmember to a third party for the benefit of the assistance unit.
- (3) When the nonmember's earnings are not clearly separate from the earnings of food assistance unit members, the earnings are:
  - (a) Divided equally among the working persons, including the nonmember; and
  - (b) The portion of the nonmember is not counted.

**CLARIFYING INFORMATION**

Assistance unit non-members are persons in a residence who:

1. Are not related or otherwise required to be part of the assistance unit. See **ASSISTANCE UNITS**; and
2. Do not purchase and prepare meals together.

**WORKER RESPONSIBILITIES**

1. **Income of assistance unit non-members:**
  - a. Verify the source and amount of the income.
  - b. Use the rules in WAC to attribute income to the non-member.

- c. Budget the remaining income for the assistance unit.

2. **Expenses of assistance unit non-members:**

- a. Obtain a statement from the assistance unit that declares how household expenses are shared.
- b. Clearly document that non-members:
  - (1) Share expenses; or
  - (2) Make cash payments to the assistance unit for the non-member's share of expenses; or
  - (3) Make payments to a third party (vendor payments); or
  - (4) Have no obligation for household expenses.
- c. If shared household expenses cannot be separated:
  - (1) Divide the total expenses of the residence by the total number of household members including the non-assistance unit member;
  - (2) Multiply the answer by the number of non-members to determine their prorated share; and
  - (3) Do not allow the non-member's prorated share as a household expense.

3. **Income of an ineligible student for Basic Food:** Income received by an ineligible student is not available to an assistance unit as follows:

- a. Earned income of an ineligible student is not available to the other eligible members of the Basic Food AU unless the ineligible student makes it available; and
- b. Income received by the ineligible student on behalf of others is not available to the AU unless the ineligible student makes it available. Such income

includes, but is not limited to:

- (1) Veterans' Administration (VA) educational benefits; and
- (2) Other benefits received where the amount depends on the number of dependents.



**WAC 388-450-0150 SSI-related medical income allocation.**

- (1) When a client is applying for SSI-related categorically needy (CN) or medically needy (MN) medical assistance, a portion of the income of a spouse or parent is allocated to the needs of the applicant. This occurs when the spouse or parent is:
  - (a) Financially responsible for the SSI-related person as described in chapter 388-408 WAC; and
  - (b) Lives in the same household; and
  - (c) Is not receiving SSI; and
  - (d) Is either not related to SSI or is not applying for medical assistance.
- (2) If the conditions in subsection (1) of this section are met, the income exclusions listed below are applied and the remainder of the parent's income is allocated to their SSI-related minor child applying for either (CN) or (MN) medical assistance:
  - (a) Income exclusions as described in WAC 388-450-0020; and
  - (b) One-half of the federal benefit rate (FBR), as described in WAC 388-478-0055, for each SSI ineligible child in the household, minus any income of that child; and
  - (c) A one person FBR for a single parent, or two person FBR for two parents.
- (3) The income of the financially responsible spouse of an SSI-related client applying for CN or MN medical assistance is allocated to the applicant's needs.
  - (a) The income exclusions in WAC 388-450-0020 (3) through (26) are allowed to reduce the nonapplying spouse's income; and
  - (b) One-half of the FBR for any non-SSI eligible child in the household minus any income of that child, is allowed as a deduction; and
  - (c) Allocate the applying spouse:
    - (i) Zero income when the financially responsible spouse's income

	equals or is less than one-half of the FBR after allowing the income exclusions in WAC 388-450-0020(1) and (2); or
(ii)	All of the financially responsible spouse's income when the income exceeds one-half of the FBR after allowing the income exclusions in WAC 388-450-0020(1) and (2).
(4)	If the income of the financially responsible spouse described in subsection (3) of this section is less than the MNIL, a portion of the SSI-related applicant's income is added to the financially responsible spouse's income to raise it to the MNIL.
(5)	If an alien client is ineligible for SSI cash assistance because of income or resources of a sponsor allocated or deemed available to the client, the SSI-related client is still considered eligible for CN or MN medical assistance. Only the income or resources actually contributed to the alien client are considered available to that client.

**CLARIFYING INFORMATION**

For SSI federal rules, "allocation" is the same as "deeming."

Effective November 1, 2001

**WAC 388-450-0155 How does being a sponsored immigrant affect my eligibility for cash, medical, and food assistance programs?**

- (1) The following definitions apply to this section:
  - (a) **"INS"** means the United States Immigration and Naturalization Service.
  - (b) **"Sponsor"** means a person who agreed to meet the needs of a sponsored immigrant by signing an INS Affidavit of Support form I-864 or I-864A. This includes a sponsor's spouse if the spouse signed the affidavit of support.
  - (c) **"Sponsored immigrant"** means a person who must have a sponsor under the Immigration and Nationality Act (INA) to be admitted into the United States for residence.
  - (d) **"Deeming"** means the department counts a part of the sponsor's income and resources as available to the sponsored immigrant.
  - (e) **"Exempt"** means you meet one of the conditions of WAC 388-450-0156. If you are exempt:
    - (i) You do not need to provide us information about your sponsor's income and resources; and
    - (ii) We do not deem your sponsor's income or resources to you.
- (2) If you are a sponsored immigrant and you are **not** exempt, you must do the following to be eligible for benefits even if your sponsor is not supporting you:
  - (a) Give us the name and address of your sponsor;
  - (b) Get your sponsor to provide us the information we need about their income and resources; and
  - (c) Give us the information and proof we need to decide:
    - (i) If we must deem income to your assistance unit (AU); and

- (ii) The amount of income we deem to your AU.
- (3) If you are not eligible for benefits because we do not have the information we need about your sponsor, we do not delay benefits to the unsponsored people in your AU who are eligible for benefits. We do not count your needs when we decide if your AU is eligible for benefits, but we count:
  - (a) All earned or unearned income you have that is not excluded under WAC 388-450-0015; and
  - (b) All deductions you would be eligible for under chapter 388-450 WAC.
- (4) If you refuse to provide us with the information we need about your sponsor, the other adult members in your AU must provide the information. If the same person sponsored everyone in your AU, your AU is not eligible for benefits until someone in your AU provides us the information we need.
- (5) If you are an ineligible member of your AU, but you must be the AU under chapter 388-408 WAC, we do not deem your sponsor's income or resources to the AU.

## CLARIFYING INFORMATION

### 1. Old affidavits of support:

INS previously used an I-134 affidavit of support for people who sponsored a family member. We **only** deem a sponsor's income to a sponsored immigrant if the sponsor completed the I-864 or I 864-A.

### 2. When the INS requires an affidavit of support:

INS requires a US citizen to complete an affidavit of support in order to bring a relative into the US as an immigrant. INS also requires the affidavit when an immigrant enters the US on an employment-related immigration petition.

INS has detailed information on-line about who must have the affidavit at:  
<http://www.ins.usdoj.gov/graphics/howdoi/affsupp.htm>

**3. A sponsor's liability:**

A sponsor will be responsible to repay benefits the department pays for a sponsored immigrant. The process for this is not set at this time. A sponsor is not liable to repay benefits for a period when:

- a. The sponsor is a member of the sponsored immigrant's AU; or
- b. The sponsored immigrant starts to receive benefits after they become a US citizen or have 40 qualifying quarters of work.

**WORKER RESPONSIBILITIES**

- 1. Check to see if the client is exempt from deeming under WAC 388-450-0156.
- 2. If the client **isn't exempt**, help them get the information they need to deem the sponsor's income:
  - a. Get as much information as possible about the client's sponsor including name, last known address, phone number; and
  - b. Attempt to contact the sponsor and get the information you need; or
  - c. If you can't get more current information, use the affidavit of support to decide the sponsor's income and resources. Get a copy of the affidavit from the client, their sponsor, INS, or the Attorney General.
  - d. If you can't get a copy of the affidavit of support, try to get another form of verification. Don't delay benefits if you can verify the information from another source.
- 3. If you don't have all the information you need to deem the sponsor's income and resources, determine eligibility and benefits for the rest of the AU:
  - a. Ask for verification of the sponsor's income and resources under WAC 388-490-0005; and
  - b. When you determine eligibility and benefits for the rest of the AU, don't include the needs of the sponsored immigrant, but include the immigrant's

actual income and resources.

4. If you do not get the information you asked for under WAC 388-490-0005, terminate the benefits for the remaining members of the AU.

Effective November 1, 2001

**WAC 388-450-0156 When am I exempt from deeming?**

- (1) If you meet any of the following conditions, you are **permanently** exempt from deeming and we do not count your sponsor's income or resources against your benefits:
- (a) The Immigration and Nationality Act (INA) does not require you to have a sponsor. Immigrants who are not required to have a sponsor include those with the following status with Immigration and Naturalization Service (INS):
    - (i) Refugee;
    - (ii) Parolee;
    - (iii) Asylee;
    - (iv) Cuban entrant; or
    - (v) Haitian entrant.
  - (b) You were sponsored by an organization or group as opposed to an individual;
  - (c) You do not meet the alien status requirements to be eligible for benefits under chapter 388-424 WAC;
  - (d) You have worked or can get credit for forty qualifying quarters of work under Title II of the Social Security Act. We do not count a quarter of work toward this requirement if the person working received TANF, food stamps, Basic Food, SSI, CHIP, or nonemergency Medicaid benefits. We count a quarter of work by the following people toward your forty qualifying quarters:
    - (i) Yourself;
    - (ii) Each of your parents for the time they worked before you turned eighteen years old (including the time they worked before you were born); and
    - (iii) Your spouse if you are still married or your spouse is deceased.
  - (e) You become a United States (U.S.) Citizen;

- (f) Your sponsor is dead; or
- (g) If INS or a court decides that you, your child, or your parent was a victim of domestic violence from your sponsor and:
  - (i) You no longer live with your sponsor; and
  - (ii) Leaving your sponsor caused your need for benefits.
- (2) You are exempt from the deeming process while you are in the same AU as your sponsor;
- (3) For Basic Food, you are exempt from deeming while you are under age 18.
- (4) For state family assistance, general assistance, state-funded Basic Food benefits, and state-funded medical assistance for legal immigrants you are exempt from the deeming process if:
  - (a) Your sponsor signed the affidavit of support more than five years ago;
  - (b) Your sponsor becomes permanently incapacitated; or
  - (c) You are a qualified alien according to WAC 388-424-0005 and you:
    - (i) Are on active duty with the U.S. armed forces or you are the spouse or unmarried dependent child of someone on active duty;
    - (ii) Are an honorably-discharged veteran of the U.S. armed forces or you are the spouse or unmarried dependent child of a honorably-discharged veteran;
    - (iii) Were employed by an agency of the U.S. government or served in the armed forces of an allied country during a military conflict between the U.S. and a military opponent; or
    - (iv) Are a victim of domestic violence and you have petitioned for legal status under the Violence Against Women Act.
- (5) If you, your child, or your parent was a victim of domestic violence, you are exempt from the deeming process for twelve months if:
  - (a) You no longer live with the person who committed the violence; and



- (6) If your AU has income at or below one hundred thirty percent of the Federal Poverty Level (FPL), you are exempt from the deeming process for twelve months. For this rule, we count the following as income to your AU:
- (a) Earned and unearned income your AU receives from any source; and
  - (b) Any noncash items of value such as free rent, commodities, goods, or services you receive from an individual or organization.
- (7) If you are exempt from deeming because your AU does not have income over one hundred thirty percent of the FPL, we give the United States Attorney General the following information:
- (a) The names of the sponsored people in your AU;
  - (b) That you are exempt from deeming due to your income; and
  - (c) Your sponsor's name

## CLARIFYING INFORMATION

### 1. **SSA qualifying work quarters:**

SSA decides how much income someone must earn in order to earn a qualifying quarter of work. See Worker Responsibilities under WAC 388-424-0020 for information on how to decide if someone has 40 qualifying quarters of work.

If an immigrant has 40 qualifying quarters of work using their spouse's work quarters, they keep the exemption even if they divorce their spouse at a later date.

### 2. **Minor child of a naturalized citizen:**

If a minor child has become a citizen automatically because their parent has naturalized, the statement of the citizen parent and a copy of the parent's certificate of naturalization is acceptable proof of the child's citizenship.

### 3. **Children are exempt from deeming for Basic Food:**

For Basic Food, we do not deem a sponsor's income or resources to children even if the child is a sponsored immigrant. When the child turns age 18, we must deem the sponsor's income unless the child is exempt for some other reason.

**4. Deeming is time-limited for state-funded benefits:**

For state funded benefits, we only deem a sponsor's income to the immigrant for five years from the date the sponsor signed the affidavit of support. For federal benefits, we continue deeming a sponsor's income and resources until the immigrant is exempt from deeming under WAC 388-450-0156.

**5. Using in-kind income:**

We do not deem in-kind income to the client. We add the sponsored immigrant's in-kind and other income **outside of ACES** and compare this against 130% of the FPL to decide if they are exempt from deeming. The United States Department of Health and Human Services (HHS) publishes the federal poverty level on the Internet at: <http://aspe.os.dhhs.gov/poverty/>

**6. Value of in-kind income:**

We use the amount someone would normally pay for items or services (the market rate) as the value of free rent, commodities, goods, or services when we look at a client's in-kind income to decide if they are exempt from deeming.

**7. Alien Emergency Medical (AEM):**

If a non-citizen isn't eligible for other medical benefits, they may be eligible for AEM. We don't deem a sponsor's income or resources for AEM. See WAC 388-438-0110.

**WORKER RESPONSIBILITIES****1. When a sponsor abandons an immigrant:**

- a. If the sponsor abandoned the client, look to see if the client meets the exemption for having income at or below 130% of the FPL.
- b. If the client meets this exemption, the department must notify the U.S. Attorney General. See **Notifying the U.S. Attorney General** below.

**2. Deciding if a sponsor is permanently incapacitated:**

Unless it is questionable, accept the client's statement that their sponsor is permanently incapacitated. If you think the sponsor may not be incapacitated, request a note from the sponsor's doctor.

3. **When a sponsored immigrant gets long-term care services:** See WAC 388-513-1325, WAC 388-513-1340, and WAC 388-513-1350 for information on how to treat income and resources for a client who gets long-term care services.
4. **Deciding if the AU has more than 130% of FPL:**
  - a. Start with the AU's earned and unearned income;
  - b. Add any cash or in-kind benefits the client receives from any source.
  - c. The result is the client's total cash and in-kind income.
  - d. Multiply the current FPL based on the client's AU size by 1.3.
  - e. Compare the total cash and in-kind income to 130% of FPL.
  - f. If the client's total income is at or below 130% of FPL, exempt the client from deeming for 12 months. See **Notifying the U.S. Attorney General** below.

### EXAMPLE 1

A sponsored-immigrant family of four applies for benefits. The family gets \$250 a month from their sponsor and stay in an apartment furnished by the sponsor's church. The apartment has been rented for \$600 a month. The client earns \$450 a month and their spouse earns \$200 monthly.

\$450	Husband's income
\$200	Wife's income
\$250	Monthly amount from sponsor
<u>+ \$600</u>	In-kind income (free rent) from church
<b>\$1500</b>	<b>Total cash and in-kind income</b>

<b>\$1,509</b>	<b>2002 <i>Monthly</i> FPL for a family of four</b>
	<b>130%</b>

$$\begin{array}{r} \times 1.3 \\ \$1961 \end{array} \quad \text{130\% of FPL to decide on exemption}$$

*In this example, the client's cash and in-kind income of \$1500 is less than \$1961. The client is exempt from deeming for twelve months. This exemption can be renewed if the client's income remains at or under 130% of the monthly FPL.*

## EXAMPLE 2

A sponsored-immigrant family of two applies for benefits. The sponsor does not give them money, but they give the clients \$300 worth of food and household items each month. The immigrant earns \$1200 monthly from their job.

$$\begin{array}{r} \$1200 \text{ Immigrant's income} \\ + \$ 300 \text{ In-kind income from sponsor} \\ \hline \$1500 \text{ Total cash and in-kind income} \end{array}$$

$$\begin{array}{r} \$ 995 \text{ 2002 Monthly FPL for two people} \\ \times 1.3 \text{ 130\%} \\ \hline \$1294 \text{ 130\% of FPL to decide on exemption} \end{array}$$

*In this example, the client's cash and in-kind income of \$1500 is more than \$1294. The client is **not** exempt from deeming. Calculate how much of the sponsor's income to deem under WAC 388-450-0160.*

**NOTE:** A client is not automatically eligible for benefits by being exempt from deeming.

## 5. Notifying the U.S. Attorney General:

Each time you approve benefits for a client who is exempt from deeming for having income at or below 130% of the FPL, the department must notify the U.S. Attorney General. Program staff will notify the Attorney General. Take the following steps:

a. Write a memo with the following information:

- (1) Name of the sponsored immigrant(s);
- (2) Name of the sponsor;

- (3) That you decided the immigrant is exempt from deeming because their combined cash and in-kind income is at or under 130% of the federal poverty level; and
  - (4) Start date of the 12-month exemption from deeming requirements.
- b. Send the memo to: **Administrator**  
**Program Policy & Planning Section**  
**Division of Employment & Assistance Programs**  
**Mail Stop: 45470.**
- c. Document that the client is exempt from deeming and that you referred the case to program staff to notify the Attorney General.
- d. Set a user-generated alert to review the exemption in twelve months.

**NOTE:** Don't refer a client if they are exempt for any reason other than having income under 130% of FPL (e.g., the client was sponsored by an organization.)

Effective November 1, 2001

**WAC 388-450-0160 How does the department decide how much of my sponsor's income to count against my benefits?**

- (1) We must count some of your sponsor's income as unearned income to your assistance unit (AU) if:
  - (a) Your sponsor signed the INS affidavit of support form I-864 or I-864A; and
  - (b) You are not exempt from the deeming process under WAC 388-450-0156.
- (2) We take the following steps to decide the monthly amount of your sponsor's income we deem as your income and count against your benefits:
  - (a) We start with your sponsor's earned and unearned income that is not excluded under WAC 388-450-0015;

- (b) If your sponsor's spouse signed the affidavit of support, we add all of the spouse's earned and unearned income that is not excluded under WAC 388-450-0015;
  - (c) We subtract twenty percent of the above amount that is earned income under WAC 388-450-0030;
  - (d) For cash and medical assistance, we subtract the need standard under WAC 388-478-0015. We count the following people who live in your sponsor's home as a part of your sponsor's AU to decide the need standard:
    - (i) Your sponsor;
    - (ii) Your sponsor's spouse; and
    - (iii) Everyone else in their home that they could claim as a dependent for Federal income tax purposes.
  - (e) For food assistance, we subtract the maximum gross monthly income under WAC 388-478-0060. We count the following people that live in your sponsor's home as a part of your sponsor's AU to decide the maximum gross monthly income:
    - (i) Your sponsor;
    - (ii) Your sponsor's spouse; and
    - (iii) Everyone else in their home that they could claim as a dependent for Federal income tax purposes.
  - (f) If you can show that your sponsor has sponsored other people as well, we divide the result by the total number of people who they sponsored.
- (3) After we have decided how much income to deem to you, we count the greater amount of the following against your benefits:
- (a) The amount of income calculated from deeming; or
  - (b) The amount of money your sponsor actually gives you for your needs.

## WORKER RESPONSIBILITIES

Calculate the amount of income to deem for cash assistance, medical programs, or Basic Food as follows:

1. Total the sponsor's countable earned income (and the earned income of the spouse if appropriate). Subtract 20% from this amount.
2. Total the sponsor's countable unearned income (and the unearned income of the spouse if appropriate) and add this to the result of 1. above.
3. **For cash assistance & medical programs:** Subtract the **need standard** based on the number of people in the sponsor's AU (WAC 388-478-0015); **For Basic Food:** Subtract the **maximum gross monthly income** based on the number of people in the sponsor's AU (WAC 388-478-0060);
4. If the sponsor completed an I-864 or I-864A for more than one person;
  - a. Divide by the number of immigrants that are sponsored by the sponsor; and
  - b. Multiply by the number of immigrants they sponsored that are in this AU.
5. Document the calculation you just completed.

### EXAMPLE

The client is a single sponsored immigrant. The client's sponsor and their spouse have combined earned income of \$2300 and \$231 unearned income each month. The sponsor, their spouse, and 12-year-old son live in the sponsor's home. The sponsor has signed an I-864 for one other immigrant.

Cash Assistance and Medical Programs		Basic Food	
\$1840	\$2300 earnings - \$460 (20 %) = \$1840	\$1840	\$2300 earnings - \$460 (20 %) = \$1840
<u>+\$231</u>	Unearned income	<u>+\$231</u>	Unearned income
\$2071	Combined earned and unearned income	\$2071	Combined earned and unearned income
<u>- 1247</u>	<b>Need standard for three people</b>	<u>- 1533</u>	<b>Maximum gross monthly income for 3 people</b>
\$ 824	Income deemed from the sponsor	\$538	Income deemed from the sponsor
<u>÷ 2</u>	# of immigrants sponsor signed I-	<u>÷ 2</u>	# of immigrants sponsor signed

864 for	I-864 for
<b>\$ 412 Income we deem to the client for cash assistance and medical programs</b>	<b>\$ 269 Income we deem to the client for Basic Food</b>

**EXAMPLE**

The client is a single pregnant sponsored immigrant with no income. The client's sponsor and their spouse have combined earned income of \$2800 each month. They have no unearned income. The sponsor and their spouse live alone. The sponsor hasn't signed any other affidavit of support.

<b>Cash Assistance and Medical Programs</b>		<b>Basic Food</b>	
\$2240	\$2800 earnings - \$560 (20 %) = \$2240	\$2240	\$2800 earnings - \$560 (20 %) = \$2240
- 1008	Need standard for 2 people	- 1219	Maximum gross monthly income for 2 people
<b>\$ 1232</b>	<b>Income we deem to the client for cash assistance and medical programs</b>	<b>\$1021</b>	<b>Income we deem to the client for Basic Food</b>

**NOTE:** Because the deemed income is under 185% of the FPL, the pregnant woman is eligible for pregnancy medical benefits.